

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANTE VASSER,

Plaintiff,

vs.

UNKNOWN UNITED STATES MARSHALS
SERVICE DEPUTIES, EMPLOYEES OR
AGENTS, in their individual and official
capacities; and UNITED STATES OF
AMERICA,

Defendants.

8:23CV269

ORDER

This matter comes before the Court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff filed an amended complaint on December 9, 2023 against named Defendants the United States of America (“United States”) and the United States Marshals Service as well as against Unknown United States Marshals Service Deputies, Employees or Agents, in their individual and their official capacities (“unknown Defendants”). [Filing No. 19](#). The Court¹ granted the named Defendants’ motion to dismiss and dismissed Plaintiff’s claims against the United States Marshals Service. [Filing No. 24](#). The only claims still pending are Plaintiff’s *Bivens* claims against the unknown Defendants and his FTCA claim against the United States. *Id.* at 10. The United States’

¹ The Honorable Brian C. Buescher, United States District Judge.

second motion to dismiss, or in the alternative, motion for summary judgment on Plaintiff's FTCA claim is currently pending. [Filing No. 51](#).

Plaintiff has not taken further action against the unknown Defendants. The unknown Defendants have not been named or served. The deadlines to amend pleadings, join additional parties, complete discovery, and file dispositive motions have passed. See Filing Nos. [31](#), 40 & 48. This case is currently set for trial starting January 13, 2026. [Filing No. 68](#).

Accordingly,

IT IS ORDERED that Plaintiff shall have until July 23, 2025 to show cause why Plaintiff's claims against the unknown Defendants should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or NECivR. 41.2 for want of prosecution. The failure to timely comply with this order may result in dismissal of Plaintiff's claims against the unknown Defendants without further notice.

Dated this 9th day of July, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge